

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
MT. HAWLEY INSURANCE COMPANY,  
an Illinois Corporation,  
Plaintiff,

Case No.: 1:22-cv-03191-GHW

**Oral Argument Requested**

-against-

**NOTICE OF MOTION**

SPRING MOUNTAIN VINEYARD, INC.,  
A Delaware Corporation,

Defendant.  
-----X

**PLEASE TAKE NOTICE** that, upon the Memorandum of Law in Support of the Motion of Defendant Spring Mountain Vineyard, Inc. (“SMV”) to Dismiss or Stay this action, the accompanying Declaration of Mary Seavoy, dated September 22, 2022, with exhibits annexed thereto, the Declaration of Timquin Larsen, dated July 20, 2022, with exhibits annexed thereto, and the Declaration of Jay B. Spievack, dated September 23, 2022, with exhibits annexed thereto, and all prior pleadings and proceedings had herein, Defendant Spring Mountain Vineyard, Inc., by and through its counsel, Cohen Tauber Spievack & Wagner, P.C., shall move this Court before the Honorable Gregory H. Woods at the United States Courthouse, 500 Pearl Street, Courtroom 12C, New York, New York, at a date and time to be determined by the Court, for an Order (i) dismissing or, alternatively, staying this action in favor of an action pending in California, captioned *Spring Mountain Vineyards, Inc. v. Landmark American Ins. Co.*, et. al, Case No. 22CV000270 (Napa County, California), pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure and/or (ii) alternatively dismissing Plaintiff Mt. Hawley Insurance Company’s First and Fifth claims for relief in its First Amended Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, along with such other and further relief as this Court may deem just and proper.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to the Court's September 15, 2022 Order, papers in opposition to this motion shall be filed twenty-one days after service of Defendant's motion.

Dated: September 23, 2022

COHEN TAUBER SPIEVACK & WAGNER P.C.  
*Counsel for Defendant Spring Mountain Vineyards, Inc.*

By: /s/ Jay B. Spievack  
Jay B. Spievack  
Jackson S. Davis  
420 Lexington Avenue, Suite 2400  
New York, New York 10170  
Tel.: (212) 586-5800  
jspievack@ctswlaw.com  
jdavis@ctswlaw.com